



01-30-03 3738

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ET575253378US, in an envelope addressed to: Box Response, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 1-29-03

Signature: *Elena Magliotto*

(Elena M. Magliotto)

Docket No.: HO-P01709US6
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alok Nigam

Application No.: 10/047,726

Group Art Unit: 3738

Filed: January 15, 2002

Examiner: H. Phan

For: CORNEAL IMPLANT AND METHOD OF
MANUFACTURE

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TECHNOLOGY CENTER R3700

TRANSMITTAL LETTER

Box Response
Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Office Action Dated 11/19/2002; and
2. Return postcard.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01709US6 from which the undersigned is authorized to draw. A duplicate copy of this paper is enclosed.

Dated: *January 29, 2003*

Respectfully submitted,

By *Edward D. Steakley*

Edward D. Steakley

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Attorneys for Applicant

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RESPONSE TO OFFICE ACTION DATED 11/19/2002

Box Response
Commissioner for Patents
Washington, DC 20231

Dear Sir:

This paper is submitted in response to the Office Action dated November 19, 2002, for which the three-month date for response is February 19, 2003.

REMARKS/ARGUMENTS

Status of Application

Claims 1-17 are pending in the application. Applicant respectfully traverses the Examiner's rejections and requests reconsideration of the application. No claims have been amended.

Anticipation under 35 U.S.C. 102(e)

Claims 1-3, 5 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Feingold (U.S. Patent 5,913,898).

Anticipation requires that each and every element of the claimed invention be described, either expressly or inherently, in a single prior art reference. *Telemac Cellular Corp. v. Topp Telecom, Inc.*, 247 F.3d 1316, 1327, 58 U.S.P.Q.2d 1545, 1552 (Fed. Cir. 25237632.1

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